EXPLANATION OF

11

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SHAYKH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمان الرحيم

الحمد الله رب العالمين والصلاة والسلام على أشرف المرسلين سيدنا محمد وعلى آله وصحبه ومن تبعهم بإحسانٍ إلى يوم الدين، أما بعد

After the obligatory matters of Wudū', the author brings up the issue of the Khuff:

وَيُمسَح عَلى **الخُفَّين** في الطَّهَارةِ الصُّغرَى. وعلى **الجَبيرةِ** منهُما.

وَيَمسَحُ عَلى الخُفِّ المُقِيمُ يَومًا وَلَيلَة، وَالمُسَافرُ ثَلاثةَ أيامٍ وَلياليهنَّ مِن الحَدَثِ إلى مثلِه عَلى سَاترٍ ثَابتٍ بنفسِه.

After the obligatory acts of Wudū' that must either be washed or wiped including the foot, the author concluded them with (ترتيب), (موالاة), then (نية). Now it's only practically and common sense to give an exemption pertaining to the foot that he previously included under the limbs that must be fully washed. Wiping over the Khuff is mentioned here because it's essential to minor purification – and it's very practical.

Some 'Ulamā' even mentioned this matter, or allude to it in 'Aqeedah books or statements. Among the earliest to mention it in this regard is Sufyān Ath-Thawri (رحمه الله تعالى). He said one who doesn't wipe over the Khuff can be accused in his religion. He didn't mean that you need to go out and buy a pair of Khuff and wipe over them. He means believing in the concept of permissibility of wiping over the Khuff is essential. Why did he say that when these Fiqh issues that we've been discussing for weeks are nearly all disputed by who we refer to as the old time Imāms of our Deen, who keep going back and forth. The Furū' Al-Fiqh disputes that we go over are generally the types of disputes that don't take one out of the folds of 'Ahlus-Sunnah. There's some slack in these types of disputes because we said they're minor Fiqh (الفقه الأصغر). However, in this matter, Sufyān Ath-Thawri, Al-Barbahāri, and others mentioned it in 'Aqeedah. They weren't talking about the detailed disputes within this matter. They were talking about fully denying wiping over the Khuff. One who denies the permissibility of wiping over the Khuff is in reality denying tens of narrations, and an implied meaning from a

verse in the Qur'ān as we'll see inshā'Allāh. But the reason they mention it in 'Aqeedah books is because it was not 'Ahlus-Sunnah disputing this. It was the Rawāfid, and some of the sects of the Khawārij, and it became of symbol and trademark for them, to distinguish the Sunni from the Rāfidi and Khawārij. Ibn Taymiyyah (رحمه الله تعالى) in Minhāj As-Sunnah stated that Ash-Sha'bi said, Rawāfid and Jews don't believe in wiping over the Khuff.

Another point to keep in mind pertaining to the overall concept of the permissibility of wiping over the Khuff is what's related by some Sahābah that they denied the permissibility of wiping over the Khuff, they are not authentic. And those narrations that are really authentic, the Sahābah recanted them. Therefore, there is no dispute on the overall permissibility of wiping over the Khuff among 'Ahlus-Sunnah. So let's take the statements of the author one by one,

وَيُمسَح عَلى **الخُفَّين** في الطَّهَارةِ الصُّغرَى.

Khuff are leather socks, so the author is saying the Khuff can be wiped over only when the person is in the state of minor impurity. And the proof for wiping over the Khuff is firstly taken from the Qur'ān,

فَاغسِلوا وُجوهَكُم وَأَيدِيَكُم إِلَى المرافِقِ وَامسَحوا بِرُءوسِكُم وَأَرجُلَكُم إِلَى الكَعبَينِ

The verse on Wudū' in Sūrat al Mā'idah, there's two Qir'ā'āt (readings) for that verse, for (أَرجُلَكُم) your feet. There's a (قراءة بالنصب), (أرجلَكم) there's a Fatha, Fatha where? On the (ل). When the Fatha is on the (ل) it will grammatically follow (وجوهكم) (your faces). You wash your face, so that means you wash your feet. The second (قراءة) is (بالجر), which is with a Kasrah, where? On the (ل). In the (قراءة) where there is a Kasrah on the (ل) it will grammatically follow (رؤوسِكم) (your head), what do you do with your head? You wipe the head, so that means you wipe the feet and that is referring to wiping over the Khuff. In addition there is the Hadīth in Sahīh Bukhāri and Muslim, on the authority of 'Urwah Ibn Mughīrah, 'An 'Abīhi,

دَعْهُمَا، فَإِنِّي "قَالَ كُنْتُ مَعَ النَّبِيِّ صلى الله عليه وسلم فِي سَفَرٍ، فَأَهْوَيْتُ لأَنْزِعَ خُفَّيْهِ فَقَالَ أَدْخَلْتُهُمَا طَاهِرَتَيْنِ

My father said, "Once I was in the company of the Prophet (ﷺ) on a journey and I dashed to take off his Khuffs (socks made from thick fabric or leather). He ordered me to leave them as he had put them after performing ablution. So he passed wet hands over them.

There's plenty of proof on wiping over the Khuff, both for residents and those traveling. Ibn Al-Mundhir, Ibn Al-Mubārak, Ibn 'Abdul Barr, An-Nawawi, Ibn Qudāmah, and other 'Ulamā' related an ijma on the permissibility of wiping over the Khuff. In fact Imām Ahmad said I have no negative feelings against wiping over the Khuff. There's over 40 Ahādīth on it. In Al-Mughni Al-Hasan Al-Basri said, there's 70 of the Sahābah who informed me that the Messenger (صلى الله عليه وسلم) wiped over the Khuff.

So which is better, wiping over the Khuff or washing the feet? The majority of the 'Ulamā' – Abu Hanīfah, Malik, & Ash-Shāfi'ī said it's better to wash the feet than to wipe over the Khuff, because washing is the original (act of Wudū'), and the original is better to do. The Rājih is the second opinion, that is the minority opinion, the opinion of Ahmad Ibn Hanbal (رحمه الله تعالى), and it's the opinion that combined between all the proofs, and they said it depends on the status of the individual and his foot.

Ibn Al-Qayyim, and Ibn Taymiyyah (رحمهم الله تعالى) also followed this opinion. They said if the foot is bare, it's better to wash, if the foot has a Khuff on it, it's better to wipe over it. In the previous Hadīth that I just mentioned, that is on the authority of the son of Mughīrah Ibn Shu'bah, when Al-Mughīrah dashed to take the Khuff of the Messenger's (صلى الله عليه وسلم) feet, the Messenger (صلى الله عليه وسلم) ordered them to leave them on, because the 'Ulamā' said it's better to wipe over them since they were on. When the Messenger's (صلى الله عليه وسلم) feet were bare, he would wash the feet, when they were covered, he (صلى الله عليه وسلم) would wipe over them. And that is what's better to do,

وَيُمسَح عَلى **الخُفَّين** في الطَّهَارةِ الصُّغرَى.

Wiping over the Khuff is in minor impurity, (الطهارة الصغرى)

So if you have to do Ghusl (major purification), like after relations with a wife, and you're wearing a Khuff, you cannot wipe on the Khuff. You must remove them for Ghusl, the parts that you wipe on during Wudū' must be washed in Ghusl, like the head, similar to that is the Khuff.

Then the author said,

وعلى **الجَبيرةِ** مِنهُما.

You wipe on Al-Jabīrah, in both situations. What is Al-Jabīrah? And what are those two situations he's referring to? Al-Jabīrah is, back in the day if an arm, leg, or foot broke they would have sticks they put on it and wrap them to stabilize the bones – like medical bandages or wraps, or what's referred today as a cast. Any type of medical wrap is Al-Jabīrah. But what does he mean when he says you can wipe over it in both situations? He means in both minor and major impurity.

So the statement translates to mean, the bandages can be wiped over in both the state of minor and major impurity.

In the earlier statement he said, wiping the Khuff is only for minor impurity. Now he just wanted to clarify that casts or medical bandages and their likes can be wiped over in both major and minor impurity, unlike the Khuff. Now there's an issue here, this issue (Mas'alah) could've been brought up when we spoke about Tayyamum, or here under Al-Jabīrah. I delayed it to speak about it here.

In between that, a very dear and beloved brother asked this specific recurring practical question. If you remember we answered that in one of the Q & A session, but it wasn't recorded due to a technical issue, we answered it in a very summarized way but we'll go over it again with more details with the names of the 'Ulamā'.
And I ask Allah (سبحانه وتعالى) to reward this very dear and beloved brother who asked. I can't remember him ever – out of the tens or possible hundreds of questions or advice he's sent me over the years in his correspondence, that he didn't begin them with a duā' for me or my mother may Allah (سبحانه وتعالى) grant her Firdous. May Allah (سبحانه وتعالى) reward him, place barakah in his da'wah, and return it upon him and his family in good in dunyā and in akhirah. His manners are not consistent like that for a year or two, they've actually been like that since I met him nearly a decade ago. In fact, when we started the Tawheed classes, they were not meant to be recorded or broadcasted.

They were supposed to be just local classes, the brothers had no plan to even record them. But when they were announced, this brother who asked the question, was among the brothers who encouraged they be published and he began to search for ways and means to publish them, he strongly encouraged them, and offered

everything he can do to help in that. I reminded him of this recently, and he himself had forgotten about it. So imagine a righteous word, or suggestion, or advice, that one may say in a proper setting or timing that has a strong effect that he forgets about, only to be reminded about it when he stands before Allah (سبحانه وتعالى). And it may be a means for him to enter Jannah and Firdous (Āmīn!).

So the question is, someone can't wash his face or arm due to allergies or skin disease, and identical to that is someone who is wearing Al-Jabīrah (a cast), or a medical bandage on a hand or foot or elsewhere. What does he do? I can summarize this in two opinions, and it's not easy as it may seem so you need to focus.

Hanafiyyah and Mālikīyyah, very similar to them said, he washes what he can and he wipes over the parts that he can't. In fact they said, if he can't wipe over an ill, broken, or wounded limb, he should go as far as trying to cover it then wipe over it. If it's too harmful – and he's unable to – then he just leaves it. They also said (a follow up on this matter), if he's not able to wash the majority of his body for Ghusl, or the majority of the Wudū' limbs or acts, then he heads right to Tayyamum. So if one had wounds covering half the body or more, or half the Wudū' limbs or more, then they said that person heads right to Tayyamum. This is the Hanafiyyah and Mālikiyyah, they do not combine between washing and full Tayyamum like you'll see in the next opinion. Some who support this opinion, that there's no Tayyamum with washing, they said Tayyamum came as a total purification, not for individual limbs – which was a response to the second opinion.

What is the second opinion? The second opinion is the opinion of Ash-Shāfi'iyyah – and Hanābilah are very similar to them, they said the person with a cast or wound washes the healthy parts, once he gets to that ill, wounded, or broken limb he does full Tayyamum for that part. Then he resumes with his Wudū'.

Now there's two differences, there's a slight difference between the Shāfi'īyyah and Hanābilah in that the Shāfi'iyyah don't say to wipe over the part that is ill, while Hanābilah say to wipe over it if you can. The second difference, the Shāfi'īyyah said Tayyamum for that limb that he didn't wash is within Wudū', in the middle of Wudū'. Meaning when you reach the part you're not able to wash, you do Tayyamum and resume your Wudū'. Hanābilah said Tayyamum can be before, during, or after Wudū'. That detailed answer was for Tulābul-'Ilm. The summary and Rājih is an Ijtihād issue. The foundational proof is:

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ

Fear Allah as much as you can
At-Taghābun 16

One should wash in Wudū' the parts that he can, then wipe over what he can't if he's able to – whether it's covered or bare, wipe over the cast or bandage, or do so gently over the bare skin if there's a disease or allergy – if he's able to. If he's harmed by wiping it then he should skip it, so wash, then wipe, or leave it. In those steps. The only thing left is, do you do Tayyamum for that part you fully skipped or no? Again, this is an Ijtihād issue, and the best choice (الأحوط) is to free yourself from the dispute by making Tayyamum in replacement for that limb that one skipped.

Ash-Shāfi'īyyah said Tayyamum takes place during Wudū' at the part where one reaches the spot he can't wash, others like Al-Hanābilah said it's flexible, you do Tayyamum for that part before, during, or after. Ibn Taymiyyah (رحمهم الله تعالى) was among those who said one should combine the Wudū' with the Tayyamum for the part that he was not able to wipe over. Let me give you the recap, wash, wipe, or let it go – in those steps. If you're not able to wipe over that limb at all, then do full Tayyamum for that part you missed, during, after, or before the Wudū'.

وَيَمسَحُ عَلى الخُفِّ المُقِيمُ يَومًا وَلَيلَة، وَالمُسَافِرُ ثَلاثَةَ أيامٍ وَلَياليهنَّ

The resident can wipe over his leather socks for a day and a night, 24 hours. And a travelling person can wipe over his leather socks three days and nights, 72 hours. This is one of the issues that we sometimes think is clear, and we grew up as kids knowing to wipe over the Khuff or socks as we'll see inshā'Allāh for three days and nights when travelling, and one day and night as residents. In fact, this was part of the curriculum in Medina when I was in second grade (to teach us that). But it's actually disputed, and this is of course for Tulābul-'Ilm.

The first opinion is wiping over the Khuff is limited to three days and three nights for a traveler, and one day and one night for a resident. That's the opinion of the overwhelming majority of the 'Ulamā'. Many Sahābah chose it, and many Tabi'īn and 'Ulamā' chose it. Among the four 'Ulamā' who chose it, is Abu Hanīfah, Ash-Shāfi'ī, and Ahmad. And among the Sahābah who chose that is 'Umar Ibn Al-Khattāb, 'Ali Ibn Abi

Tālib, Ibn Mas'ūd, Ibn 'Abbās, Hudhayfah, and Al-Mughīrah (رضي الله عنهما). And among the 'Ulamā' is Dawūd Adh-Dhāhiri, Ishāq Ibn Rahaway, Ath-Thawri, Al-'Awzā'i. The Sahābah who chose this show you what a strong opinion it is, the proof is the Hadīth in Sahīh Muslim, on the authority of Ali Ibn Abi Tālib (رضي الله تعالى عنه),

جَعَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ثَلَاثَةُ أَيَّامٍ وَلَيَالِيَهُنَّ لِلْمُسَافِرِ وَيَوْمًا وَلَيْلَةً لِلْمُقِيمِ.

(Allah's messenger had appointed three days and nights as the period when a traveler may do it and one day and night as the period for one who is not travelling)

There's several other Ahādīth that specifically mention three days and three nights, and one day and one night. The second opinion is the opinion of Imām Malik (رحمهم الله تعالى), and Ash-Shāfi'ī in his old Madhhab, and Al-Layth Ibn Sa'd, and Al-Hasan Al-Basri.

Some attributed it to 'Umar and his son (رضي الله عنهما). 'Umar had an opinion in the previous opinions, this second opinion is attributed to him as well. In this opinion they said there's no limit in wiping over the Khuff. Once you put them on in Tahārah after Wudū', you don't need to take them off unless you do Ghusl. Meaning you put them on today, you don't take them off unless you need to do Ghusl, you can do so forever – it's unlimited.

Because a Hadīth in Ad-Dāraqutni and Al-Hākim and that Hadīth is attributed to 'Umar (رضي الله تعالى عنه) as his own statement, and it's also attributed that Anas Ibn Mālik reported it as a statement of Rasūlul-Allāh (صلى الله عليه وسلم), and it's that if one makes Wudū' let him wipe over the Khuff and not take them off except from Janābah.

إِذَا تَوَضَّأَ أَحَدُكُمْ وَلَبِسَ خُفَّيْهِ فَلْيَمْسَحْ عَلَيْهِمَا،
وَلْيُصَلِّ فِيهِمَا، وَلَا يَخْلَعْهُمَا إِنْ شَاءَ إِلَّا مِنْ جَنَابَةٍ

(If one of you performs ablution and puts on his two leather socks, let him perform Mash (wipe) over them and pray in them and he may not take them off he so wishes except after ejaculation or sexual impurity.)

Meaning the only time you take them off is if you need to do the major purification, Ghusl. They also used another Hadīth, and that Hadīth they used is the

limit of three days and nights for the traveler, and one day and one night for resident. They said that Hadīth they used has an addition in Sunan Abi Dawūd,

وَلَوِ اسْتَزَدْنَاهُ لَزَادَنَا

If we would've asked the limit of three days and nights to be increased, or one day and night to be extended he would've increased the number. But Al-Bukhāri (رحمه الله تعالى) said it's not authentic.

So what's Ar-Rājih? Ibn 'Abdul Barr chose Ar-Rājih to be going by the limit of 72 hours for a traveler and 24 hours for a resident, he said it's (أحوط) more cautious and that you will be freeing yourself from the disputes. And the Sahābah who narrated it an adopted it are more, and its Hadīth in Sahīh Muslim is at a higher level of authenticity.

The next statement is,

مِن الحَدَثِ إلى مثلِه

The author's referring to, when is the precise moment that the clock starts ticking on those 24/72 hours for a resident/traveler? It may not be as simple or as obvious as many think it is, so we'll talk about that inshā'Allāh next week. Jazākum Allāhu Khair,

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم